

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Petition for Rulemaking)	MB Docket No. 10-71
To Amend the Commission's Rules)	
Governing Retransmission Consent)	

REPLY COMMENTS OF CBS CORPORATION

CBS Corporation ("CBS") files these reply comments for the sole purpose of responding to an incomplete and potentially misleading statement made by Discovery Communications LLC ("Discovery") in comments in this proceeding. On page 14 of its comments, Discovery states without explication: "In 2004, escalating program carriage demands by Viacom led DISH to file an antitrust lawsuit accusing Viacom of tying retransmission of the CBS broadcast network to a requirement to carry CBS-owned cable networks." With this statement, Discovery --intentionally or not-- leaves the misimpression that somehow a court found that Viacom/CBS¹ engaged in illegal anticompetitive behavior.

Let the record reflect what really happened in the DISH-Viacom/CBS case. Never was there a finding that Viacom/CBS violated the law. To the contrary: In

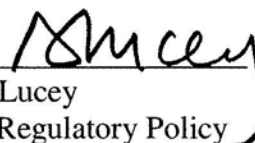
¹ Prior to a corporate reorganization effected as of December 31, 2005, the CBS O&O television stations were commonly owned, under the umbrella of Viacom Inc., with MTV Networks Inc.

denying DISH's request for a preliminary injunction, the court expressed skepticism as to whether DISH could show irreparable harm.² Moreover, DISH dropped the antitrust litigation as part of the retransmission consent agreement it reached with Viacom/CBS. That agreement came 46 hours after DISH --and not Viacom/CBS-- elected to drop Viacom networks and CBS O&O stations from its line-up.

In sum, once again as has happened thousands of times, the programmer and distributor reached agreement. As CBS concluded in its comments in this proceeding, the retransmission consent process has been, and is, working well.

Respectfully submitted,

CBS CORPORATION

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² *EchoStar Satellite LLC v Viacom, Inc.*, No. C 04-0049-CW (ND Cal Filed 7 Jan 2004).